

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

AKAMAI TECHNOLOGIES, INC., and
MASSACHUSETTS INSTITUTE OF
TECHNOLOGY,

Plaintiffs,

vs.

LIMELIGHT NETWORKS, INC.,

Defendant.

Civil Action No. 06 CV 11109 RWZ
Civil Action No. 06 CV 11585 RWZ

RWZ

~~PROPOSED~~ FINAL JUDGMENT

Pursuant to Federal Rule of Civil Procedure 58, the Court hereby enters Final Judgment in this action as follows:

(1) For the reasons stated in the Court's April 24, 2009 Memorandum and Order, Limelight does not infringe claims 19, 20, 21 and 34 of U.S. Patent No. 6,108,703 (the "'703 patent").

(2) For the reasons stated by the Court when granting Limelight's Motion for Summary Judgment, and in view of the Court's construction of the claims of U.S. Patent No. 6,553,413 (the "'413 patent"), Limelight does not infringe claims 8-12, 18 and 19 of the '413 patent.

(3) By reason of Akamai's stipulation, in view of the Court's construction of the claims of U.S. Patent No. 7,103,645 (the "'645 patent"), that it cannot prove infringement of the '645 patent, Limelight does not infringe the '645 patent. When so stipulating, Akamai expressly

reserved all rights of appeal, including its right to challenge the Court's claim constructions and Limelight agreed that in the event that the Court's construction of the claims of the '645 patent were to be altered or overturned on appeal, Akamai would be free to reassert its claim of infringement of the '645 patent.

(4) By reason of the jury's verdict and the Court's rulings on Limelight Networks, Inc.'s Motion For Judgment As A Matter Of Law and its Motion For Judgment Of Obviousness and in view of the Court's construction of the claims of the '703 patent, claims 19, 20, 21 and 34 of the '703 patent are not invalid on any of the grounds stated in 35 U.S.C. §§101, 102, 103 or 112; and, accordingly, Limelight's Counterclaim seeking a declaration of invalidity is dismissed with prejudice.

(5) For the reasons stated in the Court's April 24, 2009 Memorandum and Order, Limelight's Counterclaim seeking a declaration of unenforceability of the '703 patent is dismissed with prejudice.

(6) Except as provided above, Limelight's Counterclaims regarding the '645 patent, the '413 patent and the claims of the '703 patent other than claims 19, 20, 21 and 34 of the '703 patent are dismissed without prejudice.

Because there are no further pending claims remaining in this action, judgment is entered in favor of Limelight, and this action is hereby dismissed. The dismissal is with prejudice, except as provided above in paragraph (6). ~~[Akamai proposal: Costs are awarded to neither party.] [Limelight proposal: Limelight shall recover of Akamai its cost of this action.]~~ RWZ

**AKAMAI TECHNOLOGIES, INC., and
MASSACHUSETTS INSTITUTE OF
TECHNOLOGY,**

By their attorneys:

/s/ Robert S. Frank, Jr.
Robert S. Frank, Jr. (BBO #177240)
Carlos Perez-Albuerne (BBO #640446)
G. Mark Edgerton (BBO #657593)
Choate, Hall & Stewart LLP
Two International Place
Boston, Massachusetts 02110
Telephone: (617) 248-5000
Facsimile: (617) 248-4000
medgarton@choate.com

LIMELIGHT NETWORKS, INC.,

By its attorneys:

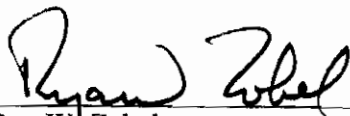
/s/ Alexander F. MacKinnon
Robert G. Krupka (pro hac vice)
Alexander F. MacKinnon (pro hac vice)
Kirkland & Ellis LLP
777 South Figueroa Street
Los Angeles, California 90017
Telephone: (213) 680-8400
Facsimile: (213) 680-8500

Gael Mahony (BBO #315180)
Thomas M. Johnston (BBO #644689)
Holland & Knight LLP
10 St. James Avenue, 11th Floor
Boston, Massachusetts, 02116
Telephone: (617) 523-2700
Facsimile: (617) 523-6850
thomas.johnston@hklaw.com

Dated: May 14, 2009

IT IS SO ORDERED.

Dated: May 22, 2009.



Hon. Rya W. Zobel
United States District Judge